

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

LAWRENCE WALLACE-BEY,

Plaintiff,

v.

DORIS FALKENRATH,

Defendant.

No. 1:23-cv-143-NCC

MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. Prisoner Lawrence Wallace-Bey commenced this civil action with a letter to the Court dated August 13, 2023, complaining about conditions of confinement at Jefferson City Correctional Center. Doc. [1]. On September 6, 2023, the Court issued an Order directing Plaintiff to file an amended complaint on a Court-provided form, and to either pay the full filing fee or submit an application to proceed without prepaying fees and costs. Doc. [3]. The Court cautioned Plaintiff that his failure to timely comply with the Order would result in the dismissal of his case without further notice. *Id.* at 2. Plaintiff's response was due by October 6, 2023.

On September 11, 2023, the Court received another letter from Plaintiff complaining about lack of access to the "Law Library, medical, or religion." Doc. [4]. The letter was dated the same date as the Court's Order to amend – September 6, 2023. *Id.* at 1. Therefore, since receiving the Court's Order, Plaintiff has neither responded to the Order, nor sought additional time to do so. Local Rule 2.01 authorizes the Clerk of Court to refuse to receive any pleadings "until the applicable statutory fee is paid, except in cases accompanied by a completed application to proceed in forma pauperis." E.D.Mo. L.R. 2.01(B)(1). Plaintiff had neither paid the filing fee nor


submitted a motion to proceed without prepayment. Plaintiff was given meaningful notice of what was expected, he was cautioned that his case would be dismissed if he failed to timely comply, and he was given ample time to comply. The Court will therefore dismiss this action, without prejudice, due to Plaintiff's failure to comply with the Court's September 6, 2023 Order and his failure to prosecute his case. *See* Fed. R. Civ. P. 41(b); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (the authority of a court to dismiss *sua sponte* for lack of prosecution is inherent power governed "by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases"); *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff's failure to comply with any court order).

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith.

Dated this 25th day of October, 2023.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE